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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,282	10/16/2001	Tony A. Cranford	TSX-0003-US	2076

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EXAMINER

MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 10/28/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,282

Applicant(s)

CRANFORD, TONY A.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 6, 9, 11-20, 22, 23, 25-29 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 6, 9, 11-20, 22-23, 25-29, and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Oath/Declaration

The objection to the oath/declaration has been withdrawn due to the signed and dated copy filed 18 April 2003.

Drawings

The objection to the drawings has been withdrawn due to the corrected drawings filed 18 April 2003.

Specification

The objection to the specification for the informalities in the disclosure has been withdrawn due to the amendment filed 12 August 2003.

The abstract remains objected to for the misspelling of the word "red" in line 8 as it is incorrectly dictated as "read."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11-13 depend from a claim that is not present in the case and therefore the limitations they are intended to encompass cannot be ascertained, and one of ordinary skill in the art would thus not be able to understand that which is encompassed by these claims and therefore the claims are indefinite.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 14, 28, 29, 33, 9, 27, 2, 6, 22, 23, 25, 26, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US Patent No. 6,450,500) in view of Nazaryan et al. (US Patent No. 5,772,211).

Miller discloses a gaming table for at least one player and a dealer to play a card game with at least one deck of cards wherein the game is being played in accordance with the standard rules of Blackjack (Abstract, FIG 1) wherein the gaming table comprises a table surface (FIG 1) and at least one player location indicated on the surface (FIG 1) which includes an indicated Blackjack bet location (FIG 1, reference 18) and an indicated auxiliary game portion bet location (FIG 1, reference 20). The secondary bet relates to the numeric characteristics of the dealer's hand (Column 3, lines 30-35). The player can then place a selection to participate in a Blackjack card game (Abstract) as well as an optional selection to participate in the auxiliary game portion (Abstract). The Blackjack game is then played in accordance with the rules of Blackjack (Abstract). These rules are detailed in Columns 1 and 2 of the disclosure to include sequentially dealing a first card to each player and the dealer and then sequentially dealing a second card to both the player and the dealer. After these cards have been dealt, additional cards are dealt at the option of the player and the dealer in accordance with the rules of Blackjack until each player and the dealer have a Blackjack hand. It is then determined if the player has won the Blackjack game, as is known in the art.

For each player who has participated in the auxiliary game, it is determined if the dealer's hand is non-breaking (Abstract) and if the hand is non-breaking, the auxiliary game is played and it is then determined whether the player wins the auxiliary game by checking the numeric characteristics of the dealers hand (Column 3, lines 30-35). It would be obvious to a skilled artisan to qualify the requirement of the dealer hand be non-breaking in a Blackjack game in order to maintain the proper house advantage.

Miller does not disclose the specific auxiliary game claimed by the Applicant relating to the dealer's hand characteristics, nor does Miller allow the auxiliary game to occur regardless of whether the player won Blackjack.

Nazaryan et al. disclose a secondary game that, like the auxiliary portion of Miller, focuses on the characteristics of the dealer's hand (Column 2, lines 17-25). The game of Nazaryan et al. includes allowing the player to wager upon whether the following characteristics will hold true of the dealer's hand 1) odd number, 2) even number, 3) all red, 4) all black, 5) specific number, or 6) specific suit. Nazaryan et al. discloses that the player can play the secondary game regardless of whether or not they have won the primary game (Column 5, lines 38-50) or regardless of any results associated with the primary game. Upon completion of the base game, the characteristics are compared to the dealer's card to see if the players made winning or losing wagers and are awarded accordingly (Column 5, lines 40-50).

In the secondary game of Miller, the player is not able to always activate their second bet and is often required to take a subsequent card. Nazaryan et al. teaches of an alternate type of secondary game disclosed above. Further, Nazaryan et al. discloses that such a game is desirable to a player for the following reasons: 1) they offer fast play, 2) they require decisions by the

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player that affect the outcome of the game, 3) there are multiple opportunities for placing wagers, 4) there is a rapid determination of a winner and 5) they require skill and luck (Column 1, lines 20-40). Thus based upon these teachings of Nazaryan et al. and applicable to the secondary game disclosed therein, one of ordinary skill in the art would be motivated to incorporate such a secondary game into the system of Miller in order to implement a secondary game which would serve more desirable to players. By implementing a game as taught by Nazaryan et al., the desirable characteristics disclosed by Nazaryan et al. would provide motivation to correct the flaws apparent in the secondary game disclosed by Miller.

One of ordinary skill in the art would thus find it obvious to incorporate the features of Nazaryan into the bonus game of Miller. One of ordinary skill in the art would be motivated to make this incorporation based on the teachings and suggestions of Nazaryan in order to provide a bonus game in the system of Miler that 1) offers fast play (the current game of Miller requires a further card to be dealt), 2) provides a greater range of possible decisions by the player (the current game of Miller requires choosing if the number will be greater than a certain threshold), 3) implements multiple opportunities for placing wagers (the current system of Miller allows only a minimal number of possible wagers wherein the Nazaryan et al. allows a great number of wager possibilities (see FIG 3), 4) has a rapid determination (the current game of Miller requires further cards and calculations on the card results), and 5) requires skill and luck (which would be greatly achieved by combining the Blackjack game (known for its element of skill) with the bonus game of Nazaryan et al.).

Further, it is known in the art that a supplementary desirability of players is the perception that a game will offer a greater chance of winning, thus providing an even further

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motivation to use a bonus game, such as disclosed by Nazaryan. By using the game of Nazaryan as a secondary game, the player would be afforded and thus would perceive a greater chance of winning as they would be able to play the secondary game regardless of the results associated with the base game, creating a greater draw to the auxiliary game and thus effectively alluring more players.

Regarding claim 9, both the games of Miller and Nazaryan et al. are disclosed to be on a gaming table (see FIG 1 of both disclosures).

Regarding claims 27 and 2, it has been discussed above that the player makes a selection to participate in the Blackjack game by placing a Blackjack wager (Miller, Abstract).

Regarding claim 6, the player is paid a return when they hold a winning hand in Blackjack that varies depending on the wager (Miller, Column 1).

Regarding claims 22 and 23, it has been discussed above that the player can select to participate in the auxiliary game by placing a wager (Miller, Abstract).

Regarding claims 25-26, Nazaryan et al. disclose that the dealer hand characteristics have associated payable returns (Column 5, lines 45-50) and states that the odds paid for winning wagers are determined by the probability of a wager being a winning wager and the percentage to be retained by the wagering establishment house. Thus, Nazaryan et al. support the fact that the actual implementation of the payable would be the design choice of the casino based on 1) the probabilities of the certain bets and 2) the hold percentage desired by the casino. Therefore, any such alteration of the payable would be obvious to a skilled artisan as a particular design choice suited for the particular establishment.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US Patent No. 6,450,500) in view of Nazaryan et al. (US Patent No. 5,772,211) in view of Woodland et al. (US Patent No. 5,632,485).

What Miller and Nazaryan et al. disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Miller and Nazaryan et al. do not disclose a computerized device for the method disclosed above.

It would be obvious to a skilled artisan to incorporate the method disclosed above into a computerized version and Woodland et al. discloses this fact in their Blackjack game and method. Woodland et al. disclose a gaming device to perform the method of a Blackjack game with side bets (FIG 2). This gaming device includes a display (FIG 2) and axiomatically has a processor to control the game and accepts selections by players to participate in the game.

It would have been obvious to one of ordinary skill in the art to allow the method disclosed above by Miller and Nazaryan et al. to be incorporated into a gaming machine as taught by Woodland et al. as a supplemental design choice platform for implementing the method. By incorporating the game into an electronic means, the player would enjoy further excitement by 1) playing at their own pace, 2) not feel intimidated by other players if they do not feel confident in the game, 3) provide a means for the player to become accustomed to the game at their own means, 4) eliminate the wait at the table when no more seats are available. Further motivation to the designer would be provided in that by electronically creating the game, the possibility of cheating is reduced by eliminating the human interaction required by a dealer as well as collaboration among players.

Regarding claims 16-18, the device disclosed by Woodland is indeed a terminal (FIG 2) that is a computer in slot machine form wherein the display would axiomatically be coupled to the processor to create a display terminal.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US Patent No. 6,450,500) in view of Nazaryan et al. (US Patent No. 5,772,211) in view of Woodland et al. (US Patent No. 5,632,485) in view of Sines et al. (US Patent No. 6,270,404).

What Miller, Nazaryan et al., and Sines et al. disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Woodland et al. disclose the usage of a gaming terminal to embody a computerized blackjack with side game. However, Woodland et al. lack a disclosure of the connections within these terminals. Sines et al. teach of a gaming system that uses a terminal monitor to display cards. The monitors are connected to the gaming processor via a network (Column 9, lines 43-46). Though Sines et al. discloses the monitors as being connected to processor by cable, it is very well known in the art that the Internet is usable as a means to connect various computer hardware to other pieces of hardware. This is supported by the number of online gambling sites that allow players to participate in a gambling game from their own home computers while connected to the actual game processor over the Internet. Therefore, it would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Sines et al. along with that which is well known in the art into the construction of the Woodland et al. gaming device. One skilled in the art would be motivated to construct this combination in order to create an electronic version that is not limited to the number of seats or gaming terminals in a casino

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thus providing an increased profitability revenue based upon increased opportunity for usage by players.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm

cmm

October 22, 2003

T. Walberg
Teresa Walberg
Supervisory Patent Examiner
Group 3700